

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 523

Case No. 86-12

(Reed-Cooke Map Amendment)

April 13, 1987

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on October 20, 1986. At that hearing session, the Zoning Commission considered proposed amendments to the Zoning Map of the District of Columbia. The public hearing was conducted in accordance with the provisions of Section 3021 of the Zoning Regulations.

On May 12, 1986, the Zoning Commission initiated action to consider the review of various text and/or map amendments that, among other issues and areas of the city, included the Reed-Cooke neighborhood.

During the following months, the Zoning Commission received letters or comments from Councilmembers Clarke and Smith, the 18th and Columbia Road Business Association, Hoskinson and Davis, Inc., Advisory Neighborhood Commission (ANC) 1C, the Reed-Cooke Neighborhood Association (RAM), the Legal Aid Society and Andrew Wechsler, that addressed various issues in the Reed-Cooke area, which included, but was not limited to, conformance with the Comprehensive Plan, a moratorium on demolition permits, the retention of housing, and the loss of jobs in connection with the loss of commercial property.

On September 8, 1986, at its regular monthly meeting, the Zoning Commission considered a memorandum dated September 2, 1986, from the Office of Planning (OP) requesting the expedited processing of Case No. 86-12 so that certain residential uses would be retained. The Commission determined that it would expedite the process and authorized the scheduling of a public hearing for the case.

For the purpose of advertising for hearing, the Commission approved a proposal, which was intended to provide for land use control over future development of the area, and to make the zoning not inconsistent with the Comprehensive Plan.

The Land-Use Element of the Comprehensive Plan for the National Capital designates the Reed-Cooke area as a "Special Treatment Area", and defines it as a pocket of C-M-2 in the Adams Morgan Community.

The notice of public hearing, which was published in the District of Columbia Register on September 19, 1986, includes a proposal to change the zoning of various lots in Squares 2560, 2562, 2563, 2566, 2567, and 2571 from C-M-2 to R-5-B.

The C-M-2 District permits medium bulk commercial and light manufacturing uses, to a maximum floor area ratio (FAR) of 4.0 and a maximum height limit of sixty feet, with new residential uses prohibited.

The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.

The District of Columbia Office of Planning (OP), by memorandum dated October 10, 1986, and by testimony presented at the public hearing, supports R-5-B rezoning, particularly for major clusters of existing housing. The OP believes that this is consistent with the Comprehensive Plan, with the surrounding zoning and with the medium density goal. Zoning options would apply to the remainder of the area. Mixed use or commercial-industrial zoning applied to existing residences would be an encouragement for redevelopment and in conflict with city goals.

The OP further believes that rezoning to R-5-B would fulfill the Comprehensive Plan designation of the residential component as medium density. This zone district is also moderate enough in permitted FAR (1.8) to serve as a conservation zone for row dwellings. The R-5-B is the predominate surrounding residential zone. It should be noted that 1.8 FAR is only three stories at 60 percent lot coverage. Many older row dwellings exceed 60 percent coverage, so that many row dwellings of only two stories are not far below a 1.8 FAR. This margin leaves little incentive for land assembly and new development under R-5-B controls. The R-5-B leaves the smaller row houses with some opportunity for construction of additions without going to the Board of Zoning Adjustment (BZA) for approval. The alternative of mapping R-4 (0.9 FAR) or R-5-A (1.0 FAR) would make most of the existing row dwellings nonconforming structures, thereby requiring BZA approval of an addition to a nonconforming structure.

Advisory Neighborhood Commission (ANC) 1C, by testimony presented at the public hearing supported the proposal.

ANC-1C, by letter dated November 21, 1986, supports the OP and the Reed-Cooke Neighborhood Ass'n. (RAM), with the exception of the Colortone Press property, for which it took no position at this time. The submission by ANC-1C did not comply with the requirements of Title 11, DCMR 3011.7 (c), (d), and (e) in that it did not state that the ANC gave proper notice of its meeting, did not state the number of members of the ANC that constitute a quorum, and did not set forth the ANC's issues and concerns, other than very general support of the rezoning proposal.

Councilmembers Betty Ann Kane, Hilda H. Mason, Frank Smith, and John Ray, by testimony presented at the public hearing and/or by letters, supported the proposal or the position of the residential community groups.

The Commission heard testimony and received letters from many persons in support of the proposal or modification thereto. Issues associated with support for the proposal included the following:

1. Retention and potential increase of residential uses;
2. Conformance with the Comprehensive Plan;
3. Less commercial-related traffic; and
4. Help provide for a good racial mix of people.

The Commission also heard testimony and received letters from many persons, that represented the business community, in opposition to the proposal for the following reasons:

1. The proposal had no planning basis and lacked adequate economic and fiscal impact studies;
2. That certain properties were proposed for rezoning in error; that their exterior appearance read residential but their uses were conforming commercial uses;
3. The economic loss to affected business and property owners;
4. The adverse social impact on the quality of life for resident/business persons in the area;
5. Loss of tax revenues and jobs to the city; and
6. The adverse affect on the Whitman Walker Clinic.

With the exception of one affected property, the Zoning Commission concurs with the position of the Office of Planning, ANC-1C, and others.

The Commission is mindful of the fact that in all area-wide rezoning actions, some properties will become non-conforming in some manner. The Commission, however, believes that the issues related to retention and preservation of housing and non-inconsistency with the Comprehensive Plan over-shadows the concerns of various business interests.

The Commission believes that the Whitman Walker Clinic, which is a medical facility, should not be adversely affected because of its value and service to the neighborhood and the city. The Commission is mindful that the owner of the clinic is completing a comprehensive renovation of the interior space of the existing conforming structure and use. The Commission believes that rezoning said property to render the structure and use as non-conforming would be inappropriate and unwarranted.

A notice of proposed rulemaking was published in the D.C. Register on February 6, 1987 (34 DCR 1055). As a result of that notice, the Commission received comments from the Citadel Corporation Pension Plan, Albert Ceccone, the 18th and Columbia Road Business Association, Linowes and Blocher, the Reed-Cooke Neighborhood Association, and Devres, Inc.

On March 9, 1987, at its regular monthly meeting, the Commission considered the comments of the aforementioned persons and determined that it needed additional information relative to actual use of various properties vis-a-vis the exterior appearance of the use of those properties. The Commission requested the OP to submit an inventory of uses chart. The Commission also provided an opportunity for the above-mentioned persons to comment on the chart.

On April 13, 1987, at its regular monthly meeting, the Commission considered a memorandum dated March 25, 1987 from the OP regarding the inventory of uses, a letter dated April 2, 1987 from the 18th and Columbia Road Business Association, a letter dated April 3, 1987 from the Reed-Cooke Neighborhood Association, and a letter dated April 3, 1987 from the law firm of Linowes and Blocher.

At that same meeting and subsequent to discussion of the aforementioned submissions, the Commission determined that it would not rezone lots 73, 79, 80, and 81 in Square 2563, because it was inappropriate to do so. The Commission, also determined that it needed additional information to consider the disposition of lot 880 in Square 2563. Consequently, the Commission requested the OP to provide it with photographs and additional material that would help the

Commission to better understand the use and improvement on lot 880 in Square 2563.

On April 20, 1987 at a special meeting, the Commission considered two memoranda dated April 17, 1987 from the OP. Subsequent to discussion, the Commission voted 2-1 not to rezone lot 880 in Square 2563. Because the Commission did not have a majority vote to carry the motion, the Chairman left the record open for a member of the Commission, who was not in attendance, to cast an absentee vote. On April 27, 1987, said member of the Commission voted not to rezone lot 880 in Square 2563.

The Zoning Commission believes that the proposed amendments to the Zoning Map of the District of Columbia are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for the National Capital.

The proposed action of the Zoning Commission to rezone various properties in the Reed-Cooke area was referred to the National Capital Planning Commission, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, through its Executive Director and by report dated February 4, 1987, found that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

The submission by Advisory Neighborhood Commission - 1C did not satisfy the Zoning Commission's procedural requirements for an ANC to be accorded the "great weight" to which it would be entitled. The Zoning Commission notes that the special statutory role of ANCs also entails specific procedural responsibilities. The Zoning Commission is therefore of the view that the "great weight" requirement does not apply to the submission of ANC-1C. Nonetheless, the Zoning Commission has considered that submission in its decision.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the following amendments to the Zoning Map of the District of Columbia:

1. CHANGE FROM C-M-2 TO C-2-B
SQUARE 2560 - lot 838; and
2. CHANGE FROM C-M-2 TO R-5-B

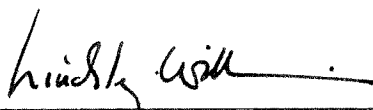
- a. SQUARE 2560 - lots 32, 41, 42, 43, 44, 809, 817, 827, 852, 853, 854, 855, 856, 857, 858, and 859;
- b. SQUARE 2562 - lots 66, 67, 68, 69, 70, 71, 72, 73, and 825;
- c. SQUARE 2563 - lots 74, 75, 82, 83, 84, 85, 834, 858, and 888;
- d. SQUARE 2566 - lots 9 and 822;
- e. SQUARE 2567 - lots 49, 50, 51, 52, 53, and 54; and
- f. SQUARE 2571 - lots 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 919, 924, and 959.

Vote of the Zoning Commission taken at the public meeting on December 8, 1986: 4-0 (John G. Parsons, George M. White, Lindsley Williams, and Patricia N. Mathews, to approve C-2-B and R-5-B - Maybelle T. Bennett, not voting, not having participated in the case).

This order, exclusive of one property, was adopted by the Zoning Commission at its public meeting on April 13, 1987, by a vote of 4-0 (Patricia N. Mathews, George M. White, John G. Parsons and Lindsley Williams, to adopt as amended - Maybelle T. Bennett, not voting not having participated in the case).

On April 20 and 27, 1987, the Commission voted the disposition of that one remaining property by a vote of 3-1 (Patricia N. Mathews, John G. Parsons, and George M. White, not to rezone lot 880 in Square 2563 - Lindsley Williams, opposed and Maybelle T. Bennett, not voting not having participated in the case).

In accordance with the provisions of Section 3028 of the Zoning Regulations, this order is final and effective upon publication in the D.C. Register, that is on 29 MAY 1987.



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat